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Attorneys for Defendants
HOLOGIC, INC. AND
CYTYC SURGICAL PRODUCTS, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MINERVA SURGICAL, INC., a Delaware
corporation,

Plaintiff,

v.

HOLOGIC, INC., a Delaware corporation; and
CYTYC SURGICAL PRODUCTS, LLC, a
Massachusetts limited liability company,

Defendants.

CASE NO. 3:17-cv-02013-JD

**STIPULATION AND [PROPOSED]
ORDER REGARDING MODIFIED
SCHEDULE FOR PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION**

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Defendants Hologic, Inc. and Cytac
2 Surgical Products, LLC (collectively, “Hologic”) and Plaintiff Minerva Surgical, Inc. (“Minerva”),
3 by and through their respective counsel, hereby stipulate to the following request to modify the
4 current schedule relating to Minerva’s Motion for Preliminary Injunction (D.N. 40):

5 WHEREAS, on August 10, 2017, the parties proposed a stipulated schedule that sought a
6 date for hearing before Thanksgiving (D.N. 39);

7 WHEREAS, to accommodate that proposed schedule, Hologic was afforded only six days
8 (after depositions) to prepare and file its Opposition Brief, as opposed to the 14 days customarily
9 provided for an Opposition Brief under L.R. 7-3(a);

10 WHEREAS, to accommodate that proposed schedule, Minerva likewise was afforded less
11 time than is customary (after depositions) to prepare and file its Reply Brief;

12 WHEREAS, on August 15, 2017, the Court set the hearing for Minerva’s Motion for
13 Preliminary Injunction for December 14, 2017 (D.N. 40), five weeks after Minerva’s Reply Brief
14 is currently due;

15 WHEREAS, the December 14, 2017 hearing date entered by the Court would appear to
16 permit the parties to take additional time to prepare and file their opposition and reply briefs,
17 respectively, without requiring a change in the scheduled hearing date, consistent with L.R. 7;

18 WHEREAS, the parties do not seek to alter or extend the December 14, 2017 hearing date
19 and likewise do not wish to impact the Court’s time to sufficiently consider the briefing before the
20 hearing;

21 WHEREAS, the proposed modification would provide the Court with just over three
22 weeks to consider the parties’ briefing related to Minerva’s Motion for Preliminary Injunction;

23 WHEREAS, if the proposed modification would result in the Court either (i) further
24 extending the currently-scheduled December 14, 2017 date for the preliminary injunction hearing;
25 or (ii) shortening either party’s allotted time for briefing as proposed, the parties are agreeable to
26 continue with the current schedule;

27 NOW THEREFORE, in light of the foregoing, the parties respectfully seek leave to
28 modify the current schedule for the preliminary injunction proceedings (as indicated in bold

typeface) to provide both parties with additional time to prepare and file their respective briefs PROVIDED THAT the proposed modification will not disturb the December 14, 2017 date for the preliminary injunction hearing or shorten either party's allotted time for briefing:

EVENT	CURRENT DEADLINE	PROPOSED/STIPULATED DEADLINE
Defendants take depositions of witnesses	Sept. 14 to Oct. 5, 2017	Sept. 14 to Oct. 6, 2017
Defendants' Opposition Brief	Oct. 11, 2017	Oct. 20, 2017
Plaintiff takes depositions of witnesses	Oct. 16 to Nov. 3, 2017	Oct. 20 to Nov. 10, 2017
Plaintiff's Reply Brief	Nov. 9, 2017	Nov. 22, 2017
Preliminary Injunction Hearing (D.N. 40)	Dec. 14, 2017 at 10 a.m.	Dec. 14, 2017 at 10 a.m.

IT IS SO STIPULATED.

DATED: August 31, 2017.

Respectfully submitted,

By: /s/ Deborah E. Fishman
Deborah E. Fishman

ARNOLD & PORTER KAYE SCHOLER LLP
Attorneys for Defendants
HOLOGIC, INC. and CYTYC SURGICAL
PRODUCTS, LLC

DATED: August 31, 2017.

Respectfully submitted,

By: /s/ Olivia M. Kim
Olivia M. Kim

WILSON SONSINI GOODRICH & ROSATI PC
Attorneys for Plaintiff
MINERVA SURGICAL, INC.

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

/s/ Deborah E. Fishman
Deborah E. Fishman

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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3 Dated: _____

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6 HONORABLE JAMES DONATO
7 United States District Judge
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